

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN ALLEN McGEE,

Movant,

v.

CASE NO. 1:08-cv-499

UNITED STATES OF AMERICA,

HON. ROBERT HOLMES BELL

Respondent.

/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Movant Steven Allen McGee's motion to recuse the trial judge. (Dkt. No. 28.) The Court begins its analysis of Movant's motion under the presumption that, because Judge Bell approved Movant's plea and imposed his sentence, Judge Bell is the "appropriate judge" to consider his § 2255 motion. Rules Governing Section 2255 Proceedings 4.

Under 28 U.S.C. § 455, a district court judge must recuse himself if he has a "personal bias or prejudice concerning a party." 28 U.S.C. § 455(b)(1). Further, according to 28 U.S.C. § 144, a district judge must recuse himself when a party "files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party." 28 U.S.C. § 144. The standard for recusal is an objective one, asking "whether a reasonable person, knowing all the

surrounding circumstances, would consider the judge to be impartial.” *United States v. Hurst*, 951 F.2d 1490, 1503 (6th Cir. 1991). “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” *Liteky v. United States*, 510 U.S. 540, 555 (1994). “Almost invariably, [judicial rulings] are proper grounds for appeal, not for recusal.” *Id.* The conspiracy allegations and barrage of other grievances cited by Movant in support of his motion are nowhere near sufficient to convince a reasonable observer that the trial judge harbors “personal bias or prejudice” against Movant.

Accordingly,

IT IS HEREBY ORDERED that Movant’s motion to recuse the trial judge (Dkt. No. 28) is **DENIED**.

Dated: January 21, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE